## Book Review

# THE CRISIS OF ISLAMIC CIVILIZATION, by Ali A. Allawi[1]

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IT WOULD BE A CONSIDERABLE UNDERSTATEMENT to say that these are difficult times for the spiritual and devout Muslim. Assaulted by the non-religious elite as retrograde, forced to defend his faith from the spiritually-barren and puritannical Salafist movements that have come to dominate Sunni Islam,[3] and accused by Islamophobes who populate much of the right-wing United States as a terrorist (or at least a terrorist dupe), the spiritual Muslim finds himself beset by foes on all sides. Yet, unless one is to dismiss the substantial numbers of devout Muslims in the world, the views of these Muslims deserve greater attention than they have been receiving. Surely we have heard and seen enough of the cartoonish and ridiculous displays of Islam by its more fanatical adherents (whether it be a conviction for witchcraft in Saudi Arabia, naming a teddy bear "Muhammad" in Sudan, or countless other similar antics) to understand what has gone wrong with Islam. It is, therefore, time to seriously engage with ideas from the Muslim world about what it is that renders Islam so compelling to so many, and what the sources of discontent are among Islam's devout and spiritually committed community.

In this light, Ali A. Allawi's latest work, *The Crisis of Islamic Civilization,* may be considered a worthy and valuable contribution, despite its flaws. Allawi contends that Islamic civilization has been in a state of crisis that began around the inception of the twentieth century, just as the Muslim caliphate was ending and the colonial period was beginning.[4] Islamic civilization is not merely a com-

1. (New Haven: Yale University Press, 2009) 304 pages.
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3. For more information on the problem of Salafism, and its dismissal of spiritualism in favour of an idiosyncratic and selective literalism, see generally Khaled Abou El Fadl, *The Great Theft: Wrestling Islam from the Extremists* (New York: HarperSanFrancisco, 2005).
4. Allawi, *supra* note 1 at 20.

mitment to the vast body of norms and rules derived from the sacred Muslim text known as the *shari'a,* although this is a fundamental aspect of it. Rather, Islamic civilization is also, Allawi tells us, an entire manner of engaging with the world. While it certainly encompasses the individual spiritual relationship with God that is acquired through acts of piety, such as prayer and fasting, it also extends to communal obligations, including notions of commercial and economic order, and fundamental epistemological questions concerning the role of the Divine in empirical inquiry.[5]

According to Allawi, the existential threat to Islamic civilization arose with its replacement by a secularizing and modernizing West. As a result, Islam was relegated to a realm where it could not comfortably lie: solely in the private sphere. It was thereby excluded from setting rules of public order or establishing the bounds and purposes of scientific inquiry. Allawi further regards the very process of secularism as the attempted de-sacralization[6] of religious societies, the destruction of reliance on "all supernatural myths and sacred symbols," and the replacement of God with humanity as the force responsible for dealing with life's challenges.[7]

While this highly unsatisfactory state of affairs led to a form of Muslim counter-revolt through the reassertion of particular forms of *shari'a*, Allawi states that the revolt took place decades after Islamic civilization had already begun to crumble.[8] As a result, its fitful efforts to revive a genuine Islamic civilization are insufficiently comprehensive. These efforts tend to focus, for example, on the institution of *shari'a* as law, rather than on also re-engaging the Muslim populace on a spiritual basis. Scientific and technological advances developed by the West, under a theory of radical skepticism toward the divine, are accepted uncritically by these Islamist forces, rather than being adopted in a manner that accords with the demands of Islamic civilization.[9] Even the Arabic language has been altered in a manner that has disconnected it from Islam.[10]

Deeply dissatisfied with the current state of affairs in the Muslim world, Allawi lets his frustrations fly in every conceivable direction—at the West for its

5. *Ibid.* at 16-20.
6. *Ibid.* at 89.
7. *Ibid*. at 96.
8. *Ibid.* at 83-84.
9. *Ibid.* at 232-33.
10. *Ibid.* at 89-90.

condescending disregard of Islamic values and its messianic attempts to remake Islam in Christianity's image, at a secularizing elite for foolishly "aping"[11] the West and the secular edifices created by them in the Muslim world, and at Islamists for failing to connect the spiritual to the temporal. He is neither sanguine about the future of Islamic civilization, nor does he seem particularly inclined to disguise his bitterness at so much of what he finds distasteful in modern Islam, modern Muslim society, and Western reactions thereto. Although Allawi provides fresh insight on matters that deserve further scrutiny with sincerity, and willingness to mince words, there is no reason he should veil his frustrations with the current state of affairs when providing that insight.

While I appreciate, and even laud, much of Allawi's perspective on Islam and its civilization, I cannot help but wonder whether his prescriptions for an Islamic civilization are sensible, or entirely complete. Although it is relatively easy to see what might be wrong, in the Islamic context, with the adoption of the rather extreme views of secularism that he describes, it is unsatisfying that the author is unwilling to engage with other, more promising possibilities within the secular paradigm that have been promoted by other committed Muslims (as will be demonstrated in Part II).

## I. REALISM AND THE *SHARI'A*

The Islamic civilization is, in Allawi's words, "God-Centered."[12] Islam rejects entirely the notion that human beings are capable of "absolute autonomy" and posits, instead, that they own a place in a moral, divinely ordered universe, with rights and obligations determined by God, whose will is ultimately ascertained through reference to Muslim sacred text and human reason.[13]

This set of ideas is presented early in the book, and it is here that a central difficulty first arises. To those of us influenced by the American Legal Realist movement, it is hard to believe that sacred text and human reason provide objective, uncontroversial means to make legal determinations. Some of us regard such claims rather skeptically in nearly any context. In any event, the principles that Allawi regards as "core" and central to Islamic civilization are not nearly as clear cut as he would like us to believe. The most glaring example from his

11. *Ibid.* at 50.
12. *Ibid.* at 12-13.
13. *Ibid.* at 13.

book is the prohibition of interest on a loan. He describes the prohibition on usury to be "core," and finance and finance capitalism, therefore, to be "hugely problematic."[14] He insists that the prohibition on usury was historically unchallenged by any "scholar of any note" because it "*clearly* was one of the absolutely reprehensible acts condemned in the Quran."[15] Yet, as Islamic civilization crumbled, according to Allawi, Islamic modernists opened the door for the payment of interest, and this permitted the entire takeover of Islamic economic life by Western ideas and institutions. Islamic banking attempted for a time to reverse this, but has now fallen back on transparent artifices to achieve interest-based transactions in all but name. This is hardly the type of massive economic transformation that would bring back a genuine Islamic civilization in Allawi's view.[16]

Unfortunately, Allawi's characterization of the classical Islamic position on *riba,* the condemned practice to which he refers, lies somewhere between the deeply reductive and the flatly wrong, bringing down with it any idea of the necessity of massive economic transformation to build an Islamic civilization. The reality is that the classical disquisitions on *riba* were focused on trades and not loans.[17] Six items were forbidden to be traded for gain, with delay: gold, silver, wheat, barley, salt, and dates. From this prohibition, using analogical reasoning, classical jurists spun a dizzying array of categories of prohibition.[18]

However, when the question arose in North Africa as to whether copper coins, or *fulus,* were encompassed within the relevant prohibited categories, jurists of one of the four orthodox schools of Sunni thought, the Maliki, took precisely the position that Allawi describes as unthinkable: that the *fulus* were not covered and therefore could be traded, for delay and with gain.[19] As a result, two kilo-

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14. *Ibid.* at 213.
15. *Ibid.* at 220 [emphasis added].
16. *Ibid.* at 220-22.
17. Abdul Razzaq Al-Sanhuri, "Masadir Al-Haqq fil Fiqh al-Islami [The Sources of Authority in Islamic Jurisprudence]" (Lectures delivered at the Department of Legal Studies, Arab Studies Institute, Cairo, 1953-1958) (Cairo: Ma'had al-Buhuth wa-al-Dirasat al-'Arabiyah, 1967) vol. 3 at 34.
18. See Haider Ala Hamoudi, "The Muezzin's Call and the Dow Jones Bell: On the Necessity of Realism in the Study of Islamic Law" (2008) 56 Am. J. Comp. L. 423 at 442-43.
19. Mahmoud A. El-Gamal, *Islamic Bank Corporate Governance and Regulation: A Call for Mutualization* (September 2005) at 12-13, online: <http://www.ruf.rice.edu/~elgamal/files/IBCGR.pdf>. For a classical era criticism of this determination by a fellow prominent Maliki

grams of gold could not be traded for a promise to pay back three kilograms in a year, but forty copper coins could be traded for a promise to pay back forty-five in a year. Even more troubling for Allawi's claim are established positions of two other orthodox schools, the Shafi'i and Hanafi: that the sale and *immediate* buyback of the same item at a higher price is entirely permissible.[20] For example, a creditor could sell Allawi's book to a borrower for ten dollars and have it sold back to him for fifteen dollars, to be paid according to whatever schedule the parties established. Nevertheless, it cannot be denied that other prominent jurists, including Ibn Rushd[21] and Ibn Taymiyya[22] (ironically, given Allawi's distaste for the latter),[23] took alternative positions, which are at least arguably similar to Allawi's in describing the nature and purposes of the *riba* prohibition.

It is, therefore, entirely possible to build an Islamic civilization using *shari'a* as the signpost and guide, on the basis of interest-based lending and under a theory that currency is not the type of item whose trade is covered by the *riba* prohibition. It is possible, again using *shari'a,* to ban interest, but permit artifice and trickery so transparent that it would not even meet the current standards of Islamic finance. It is also possible to develop theories of risk sharing on the basis of other classical views of the *riba* ban, as Allawi has done.

This creates something of a dilemma, for now we are no longer dealing with Islamic civilization as it actually existed, nor with *shari'a* as it was actually formulated by the jurists "of note." Rather, we are dealing with a particular conception of Islamic civilization with which others could take issue, credibly and in good faith, drawing on juristic authority and historical praxis. Suddenly, it is not so clear that Allawi is correct that Islamic civilization is in some sort of "crisis," except insofar as adherence to Islam in a fashion that he does not regard as sufficiently Islamic is a crisis. This is not to discount or belittle his views, which are well considered and refreshing, but only to suggest that the determination

jurist, see Ibn Rushd, *Bidayat Al-Mujtahid* (Beirut: Dar Ibn Hazm, 1995) vol. 3. "[A]nd thus we see that the legal cause (*'illa*) is narrow … because it does not extend beyond gold and silver" (at 1568-71) [translated by author].

20. Nicholas Dylan Ray, *Arab Islamic Banking and the Renewal of Islamic Law* (London: Graham & Trotman, 1995) at 55-56.

21. Rushd, *supra* note 19 at 1071-72.

22. Ibn Taymiyya, *Majmu Al-Fatawa Al-Kubra* (Beirut: Sharikat Dar al-Arqam, 1999) vol. 3 at 415-16.

23. Allawi, *supra* note 1 at 116-17.

of what is or is not a "crisis" has less to do with "core" tenets of sacred text or Islamic civilization in history than it does with ideological and ethical preference.

## II. SLOUCHING TOWARDS LIBERALISM

One could avoid these difficulties of alternative, and equally legitimate, understandings of the underpinnings of Islamic civilization by deferring to the Muslim community. That is to say, while we might concede that sacred texts are sufficiently susceptible to multifold interpretations that, in turn, render a large number of determinations subject to challenge, the community itself will ultimately decide upon particular conclusions by consensus, or it will narrow the acceptable choices to a finite number.

It is clear, however, that Allawi rejects this solution. In fact, his railing at the excessive individualism of the West at the expense of community is rather ironic, given how individualist he is. Allawi challenges the *zeitgeist* of the West and the East alike, yet for all of his assault on the Western notion of Prometheus, he himself proves to be the paradigmatic Promethean by breaking from the shackles of Western orthodoxies, as well as those prevailing in his native Iraq. The author's previous work concerning post-war Iraq was deservedly regarded as a triumph precisely *because* he was so willing to correct and challenge the perspectives and prescriptions of the relevant actors.[24] One wonders if a society that did not value the individual as highly as the West could have produced the contrarian, individualistic Allawi, who is an alumnus of MIT and Harvard.

In light of this, it is somewhat distressing that he does not engage more seriously with theories of secularism that might permit individual achievement and also provide space for the promulgation of metaphysical truths in a communal, public form. Allawi prefers only to address versions of secularism that would obviously be troublesome for any committed Muslim—the denial of special protection to religion, the replacement of God with humanity as the ultimate arbiter of human affairs, and the banning of religious dress in public life.[25] The relationship of Islam and *shari'a* to forms of secular liberalism that committed Muslims might find acceptable (which have been the subject of some ferment

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24. See Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace* (New Haven: Yale University, 2007).
25. *Ibid.* at 96, 98, 254-55.

in our academy, from Mohammad Fadel at the University of Toronto,[26] to Andrew F. March at Yale,[27] to Abdullahi Ahmed An-Na'im at Emory),[28] are not discussed in Allawi's work.

This is unfortunate, as his contribution would have been richer had he not insisted at tiresome length on repeating the self-evident proposition that a committed Muslim will have trouble with a system that seeks the death of God. The more pertinent theory of secularism is not one that de-sacralizes[29] society, but rather one that provides a space wherein disparate and inconsistent transcendental theories of the good can coexist on a neutral plane. Free exercise of religion is, in this formulation, as fundamental to the secular state as disestablishment. The state resolutely disclaims any claim to metaphysical truth and absolutely permits groups (in fact, protects groups) to seek such truths on their own, subject only to commitments to engage on the political and legal level with other communities on the basis of public reason and discourse accessible to all. Why this would not be a better outcome is mystifying, given that if a God-centered civilization based on *shari'a* and historical praxis were to arrive now, surely it would look nothing like what the author envisions. It would be as likely to dismiss his vision as he is to dismiss dominant Islamist notions.

This problem in Allawi's work extends beyond the theoretical into the practical. The author mentions headscarf bans in Turkey and France, but fails to note that a law specifically targeting and prohibiting religious dress is a clear violation of constitutional mandate in the United States.[30] Had Allawi looked to Canada, he would have found a nation that provides even greater protection, going so far as to permit Sikh children to wear ceremonial knives to school as part of a religious obligation.[31] Allawi points to the extensive, and troubling,

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26. Mohammad Fadel, "The True, the Good and the Reasonable: The Theological and Ethical Roots of Public Reason in Islamic Law" (2008) 21 Can. J. L. & Jurisprudence 5.
27. Andrew F. March, *Islam and Liberal Citizenship: The Search for an Overlapping Consensus* (New York: Oxford University Press, 2009).
28. Abdullahi Ahmed An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, Mass.: Harvard University Press, 2008).
29. Allawi, *supra* note 1 at 89.
30. See *e.g. Church of the Lukumi Babalu Aye, Inc.*, *et al. v. City of Hialeah*, 508 U.S. 520 (1993). "At a minimum, the protections of the Free Exercise Clause pertain if the law at issue discriminates against some or all religious beliefs or regulates or prohibits conduct because it is undertaken for religious reasons" (at 532).
31. *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] S.C.R. 256.

disaffection of Muslims in Europe, but does not note that US Muslims[32] are roughly as wealthy, as satisfied, and as convinced of their ability to advance through hard work as their non-Muslim counterparts.[33]

Allawi's omission is unfortunate, because the academy in North America does seem enthralled with the type of liberalism that seeks to provide a neutral space where conflicting notions of transcendant good in the same public order can coexist and thrive. We, in North America, deserve a challenge, and few are in better position to deliver it than Allawi; he is a committed Muslim, educated in the West, who held prominent government positions in one Muslim country, is a witness to various cultures and civilizations, and is plainly unafraid to express his mind. While he does lead us through a fascinating journey of his own view of Islamic civilization and history, and provides extensive fodder for discussion, he fails to squarely confront some of the central orthodoxies of Islam and secularism among those who take both quite seriously.

32. Unfortunately, I have been unable to locate comparable data for Canada to that of the Pew Research Center poll that is, cited *infra* note 33, in the context of the United States.

33. Pew Research Center, *Muslim Americans: Middle Class and Mostly Mainstream* (22 May 2007), online: <http://pewresearch.org/assets/pdf/muslim-americans.pdf>.